

FILED 10 JUN 7 16:57 USDC OR

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
MEDFORD DIVISION

KEITH RUSSEL JUDD,

Petitioner, Civil No. 10-6075-CL
v. ORDER

UNITED STATES OF AMERICA,

Respondent.

CLARKE, Magistrate Judge.

By Order of Judge Hogan dated April 5, 2010, this action was dismissed without prejudice to petitioner's right to pursue his claims in the Western District of Texas. Order (#3); see also, Judgment (#4) entered April 7, 2010.

Therefore, petitioner's Motion for Injunction (#8) and Motion for leave to file motion (#10) are denied as moot.

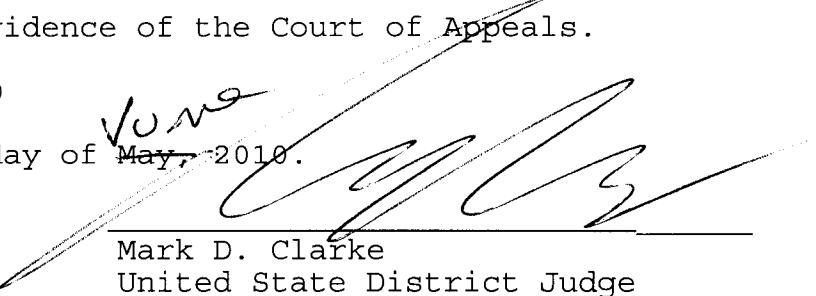
Petitioner's Motion to alter or amend judgment is denied for lack of jurisdiction because petitioner has filed a notice of appeal. See, Pope v. Savings Bank of Puget Sound, 850 F.2d 1345, 1347 (9th Cir. 1988); Stein v. Wood, 127 F. 3d 1187 (9th Cir. 1997).

Petitioner's Motion for Leave to Appeal in forma pauperis

(11) is denied as moot. Petitioner was allowed to proceed in forma pauperis and that permission has not been revoked. Consequently, petitioner's pauperis status continues on appeal. Fed. R. App. P. 24(a). Pursuant to 28 U.S.C. §§1915(b)(1) and (2), petitioner will be required to pay the full amount of the filing and docketing fees for the appeal when funds are available in his trust account. However, that fee order is the providence of the Court of Appeals.

IT IS SO ORDERED

DATED this 1 day of ^{June} ~~May~~ 2010.


Mark D. Clarke
United States District Judge